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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,313	10/01/2004	Rolf-Dieter Pavlik	2002P03971WOUS	4818
7590	09/16/2005		EXAMINER	JARRETT, RYAN A
Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/510,313	PAVLIK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ryan A. Jarrett	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 October 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 8-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 8-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It was not executed in accordance with either 37 CFR 1.66 or 1.68.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-15, 20-23, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuchlin et al., "HighRobot: Telerobotics in the Internet". Kuchlin et al. discloses:

8. A production machine comprising a control integrated in a Web server, wherein the Web server comprises software modules, and wherein at least a first software module comprises first mechanisms to implement the control (e.g., paragraph 4.1, paragraph 4.2).

9. The production machine according to Claim 8, wherein the Web server comprises a connection with a communications network (e.g., paragraph 4.1, paragraph 4.2).

10. The production machine according to Claim 9, wherein the communications network is the Internet (e.g., paragraph 4.1, paragraph 4.2).

11. The production machine according to Claim 8, wherein Internet protocols are provided for communication between the software modules and for communication between the software modules and components outside the Web server (e.g., Fig. 1, paragraph 3.2, paragraph 4.2).

12. The production machine according to Claim 9, wherein Internet protocols are provided for communication between the software modules and for communication between the software modules and components outside the Web server (e.g., Fig. 1, paragraph 3.2, paragraph 4.2).

13. The production machine according to Claim 8, wherein the Web server is adapted for configuring and administrating the software modules (e.g., paragraph 4.2.2).

14. The production machine according to Claim 9, wherein the Web server is adapted for configuring and administrating the software modules (e.g., paragraph 4.2.2).

15. The production machine according to Claim 11, wherein the Web server is adapted for configuring and administrating the software modules (e.g., paragraph 4.2.2).

20. The production machine according to Claim 8, wherein the Web server is connected via a communications network with a Web browser as operating and monitoring system (e.g., paragraph 4.1).

21. The production machine according to Claim 9, wherein the Web server is connected via a communications network with a Web browser as operating and monitoring system (e.g., paragraph 4.1).

22. The production machine according to Claim 11, wherein the Web server is connected via a communications network with a Web browser as operating and monitoring system (e.g., paragraph 4.1).

23. The production machine according to Claim 13, wherein the Web server is connected via a communications network with a Web browser as operating and monitoring system (e.g., paragraph 4.1).

25. The production machine according to Claim 8, wherein the Web server comprises a real-time operating system (e.g., paragraph 2).

26. The production machine according to Claim 9, wherein the Web server comprises a real-time operating system (e.g., paragraph 2).

27. The production machine according to Claim 11, wherein the Web server comprises a real-time operating system (e.g., paragraph 2).

4. Claims 8-19 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/23290. WO 02/23290 discloses:

8. A production machine (e.g., pg. 1 lines 1-3) comprising a control (e.g., pg. 18 lines 16-19, pg. 18 lines 26-34, Fig. 7) integrated in a Web server (e.g., pg. 18 lines 32-34, pg. 4 lines 5-10), wherein the Web server comprises software modules (e.g., pg. 18 line 27), and wherein at least a first software module comprises first mechanisms to implement the control (e.g., pg. 18 lines 26-34, Fig. 7).

9. The production machine according to Claim 8, wherein the Web server comprises a connection with a communications network (e.g., pg. 19 lines 1-11).

10. The production machine according to Claim 9, wherein the communications network is the Internet (e.g., pg. 19 lines 1-11).

11. The production machine according to Claim 8, wherein Internet protocols are provided for communication between the software modules and for communication between the software modules and components outside the Web server (e.g., pg. 17 lines 2-9, pg. 18 lines 26-27).

12. The production machine according to Claim 9, wherein Internet protocols are provided for communication between the software modules and for communication between the software modules and components outside the Web server (e.g., pg. 17 lines 2-9, pg. 18 lines 26-27).

13. The production machine according to Claim 8, wherein the Web server is adapted for configuring and administrating the software modules (e.g., pg. 7 lines 13-15).

14. The production machine according to Claim 9, wherein the Web server is adapted for configuring and administrating the software modules (e.g., pg. 7 lines 13-15).

15. The production machine according to Claim 11, wherein the Web server is adapted for configuring and administrating the software modules (e.g., pg. 7 lines 13-15).

16. The production machine according to Claim 8, wherein the Web server comprises a connection to the Internet via a firewall (e.g., Fig. 7, pg. 17 line 31).

17. The production machine according to Claim 9, wherein the Web server comprises a connection to the Internet via a firewall (e.g., Fig. 7, pg. 17 line 31).

18. The production machine according to Claim 11, wherein the Web server comprises a connection to the Internet via a firewall (e.g., Fig. 7, pg. 17 line 31).

19. The production machine according to Claim 13, wherein the Web server comprises a connection to the Internet via a firewall (e.g., Fig. 7, pg. 17 line 31).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16-19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuchlin et al. as applied to claims 8, 9, 11, and 13 above, and further in view of WO 02/23290.

Regarding claims 16-19, Kuchlin et al. does not appear to explicitly disclose that the Web server comprises a connection to the Internet via firewall.

WO 02/23290 discloses a Web server comprising a connection to the Internet via a firewall in an industrial remote control application (e.g., Fig. 7, pg. 17 line 31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kuchlin et al. with WO 02/23290 in order to prevent unauthorized access to the Web server and industrial tools of Kuchlin et al., as taught by WO 02/23290.

Regarding claim 24, Kuchlin et al. as modified by WO 02/23290 discloses that the Web server is connected via a communications network with a Web browser as operating and monitoring system (e.g., paragraph 4.1 of Kuchlin et al.).

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7. Claims 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/23290 as applied to claims 8, 9, 11, 13, and 16 above, and further in view of Kuchlin et al., "HighRobot: Telerobotics in the Internet".

Regarding claims 20-24, WO 02/23290 does not appear to explicitly disclose that the Web server is connected via a communications network with a Web browser as operating and monitoring system.

Kuchlin et al. discloses a Web server connected via a communications network with a Web browser as operating and monitoring system for an industrial robot application (e.g., paragraph 4.1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify WO 02/23290 with Kuchlin et al. since Web browser provide a user-friendly interface for viewing Internet data.

Regarding claims 25-27, WO 02/23290 does not appear to explicitly disclose that the operating system of the Web server is a real-time operating system.

Kuchlin et al. discloses a Web server comprising a real-time operating system in a remote control application for an industrial robot system (e.g., paragraph 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify WO 02/23290 with Kuchlin et al. in order to react within a nominal and guaranteeable time to random external events associated with the tobacco processing machine, and since Kuchlin et al. discloses that all major operating systems are expected to have soft-real time capability by the year 2000.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (571) 272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan A. Jarrett  
Examiner  
Art Unit 2125

9/14/05  
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